

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE CITY AND COUNTY OF SAN  
FRANCISCO, CALIFORNIA and THE  
PEOPLE OF THE STATE OF CALIFORNIA,  
Acting by and through San Francisco City  
Attorney DAVID CHIU,

Plaintiffs,

vs.

PURDUE PHARMA L.P., et al.,

Defendants.

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Case No. 3:18-cv-07591-CRB

**JOINT STATEMENT FOR SEPTEMBER  
13, 2022 ABATEMENT PHASE  
SCHEDULING CONFERENCE**

Pursuant to Dkt. No. 1580, and having met and conferred, the Parties jointly submit the following proposed schedule for the abatement phase of the above-captioned case. In addition, the Parties anticipate that they will be able to reach agreement on the two dates that remain outstanding once the other details of the trial are established.

**I. Proposed Trial Schedule**

<b>Event</b>	<b>Date or Deadline</b>
<b>Trial Briefs (limited to 20 pages)</b>	October 26, 2022
<b>Exhibit and Witness Lists</b>	Subject to further meet and confer
<b>Final Pretrial Conference</b>	November 2, 2022
<b>Trial Commences/Opening Statements</b>	November 7, 2022
<b>Closing Briefs</b>	Subject to further meet and confer

**II. Trial Time Limits**

Plaintiff and Defendant are each allotted **12 hours** of total trial time. The Parties will track the trial time utilized in the same manner as was used in Phase 1.

**III. Opening Statements**

Plaintiff and Defendant each will have a maximum of two (2) hours to make their opening statements. Time taken for opening statements will not count against trial time.

**IV. Witness Declarations**

Direct testimony for fact and expert witnesses will be presented through declaration (or deposition). Plaintiff and Defendant are each allotted no more than **50,000** words total for witness declarations, except that Dr. Caleb Alexander's Appendix E, see Dkt. No. 972-1, and Dr. William Padula's Appendix C, see Dkt. No. 1023-2, may be attached as exhibits and will not be counted against the word limit. Aside from the 50,000 total word limit, there are no word limits for the declaration of any given witness. Any exhibits referenced in a witness' declaration shall be filed with the declaration.

1 Declarations are due to the Court by 12pm two (2) days before the witness is scheduled to  
2 testify, but the Parties are encouraged to file their declarations as soon as possible. If a  
3 witness is scheduled to testify on a Monday or Tuesday, their declaration must be filed by  
4 12pm the preceding Friday. Before cross-examination, each witness who submits a  
5 declaration may take 30 minutes to offer a summary of their written direct testimony. The  
6 initial 30 minutes of time taken for witnesses to offer their summaries will not be counted  
7 against either side's trial time.

8         Objections to the declarations will be made using the same procedure and same  
9 timing utilized during Phase 1. *See* Dkt. Nos. 1236 and 1224. Declarations shall be  
10 served on opposing counsel by 7pm at least six (6) business days before the witness is  
11 scheduled to appear. Objections are due by 7pm two (2) business days after receipt of the  
12 declaration. Thereafter, the Parties will meet and confer regarding objections by 7pm two  
13 (2) business days after service of the objections. By noon two (2) business days before  
14 the witness is scheduled to testify (except as indicated above), the Parties will file the  
15 declaration with the Court along with a chart of outstanding objections.

16 **V. No Further Discovery**

17         The Parties have agreed that, because discovery in this matter was not bifurcated,  
18 no supplementation of fact or expert discovery will occur except that experts may update  
19 their materials considered lists. Such updates to the materials considered list alone,  
20 however, will not justify further deposition.

21 **VI. Deposition Testimony**

22         As in Phase 1, the Parties may offer the testimony of a witness through recorded  
23 deposition to the extent permitted under Federal Rule of Civil Procedure 32. The time  
24 taken to present the deposition, including objections, will be charged against the Party  
25 offering the deposition testimony, and the time taken for counter-designations shall be  
26 charged against the Party offering the counter-designations.  
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**VII. Time for Objections to Testimony**

As in Phase 1, time for making and ruling on objections shall be counted against the examining party. To the extent that a Party's objections are not well founded, the Court may grant the examining party additional trial time.

**VIII. Livestreaming of Trial**

The Court's proceedings will be livestreamed using the same protocol as was used in Phase 1.

Dated: September 7, 2022

Respectfully submitted,

/s/ Brian C. Swanson

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**ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

DATED: September 7, 2022

/s/ Paulina do Amaral



**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on September 7, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to registered parties.

/s/ Paulina do Amaral